THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5921 of 2007

Dated 23-03-2007

Between:
Hari Kishan.

..... PETITIONER

AND

A.P.Central Power Distribution Company Ltd. Vidyut Soudha, Somajiguda, Hyderabad rep by its Managing Director & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5921 of 2007

ORDER:

The petitioner claims to be the owner of an extent of 900 sq. yards in premises bearing House Nos.16-11-741 and 741/1/1 of Moosarambagh, Hyderabad. The complaint of the petitioner is that the respondents are trying to erect electric poles in the plot though it is not the part of any road. He submits that when the Municipal Corporation attempted to lay the road in a portion of his land, he approached this Court by filing W.P.No.1146 of 1988 and the same was allowed on 01-11-1995 restraining the respondents from taking possession of the said land. It is also stated that recently when the Municipal Corporation sought to lay the road across the plot, a contempt case is filed and the same is pending consideration before this Court.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

Learned standing counsel for the respondents, on instructions, submits that the electric poles are sought to be erected only for the purpose of providing street lights in the area and no independent line is being erected.

The claim of the petitioner that he is the owner of the land in question and that the possession thereof cannot be taken except by initiating proceedings under the Land Acquisition Act was accepted by this Court through its order dated 01-11-1995 in W.P.No.1146 of 1988. The question of respondents arranging any street lights in an area would arise if only the corresponding road exists. The petitioner had already resisted the effort of the Municipal Corporation to lay the

road across the plot. In the absence of any road, the respondents cannot arrange street lights.

Therefore, the writ petition is allowed and the respondents are directed not to erect any electric poles in the land of the petitioner unless a road, in accordance with law, has been laid, across it. No order as to costs.

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23-03-2007

Note:Operative portion by wire
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